

Introduced by Senator Walters

February 24, 2009

An act to amend Sections 6704, 6706.3, 6730, 6737.3, 6738, 6740, 6741, and 6787 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6702.9, 6702.10, 6702.11, 6730.5, 6730.6, 6730.7, 6731.7, and 6731.8 to, and to repeal Sections 6704.1 and 6737.2 of, the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

SB 275, as introduced, Walters. Professional engineers.

Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. Existing law makes various violations of the Professional Engineers Act a crime, including the practice or offer to practice by a person of civil, electrical, or mechanical engineering without authorization as provided by the act.

This bill would prohibit the practice of agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. The bill would make other changes to related provisions.

By revising this definition of a crime to include additional engineering disciplines, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6702.3 is added to the Business and
2 Professions Code, to read:

3 6702.3. “Chemical engineer” as used in this chapter means a
4 professional engineer in the branch of chemical engineering and
5 refers to one who practices or offers to practice chemical
6 engineering in any of its phases.

7 SEC. 2. Section 6702.4 is added to the Business and Professions
8 Code, to read:

9 6702.4. “Control system engineer” as used in this chapter
10 means a professional engineer in the branch of control system
11 engineering and refers to one who practices or offers to practice
12 control system engineering in any of its phases.

13 SEC. 3. Section 6702.5 is added to the Business and Professions
14 Code, to read:

15 6702.5. “Fire protection engineer” means a professional
16 engineer in the branch of fire protection engineering and refers to
17 one who practices or offers to practice fire protection engineering
18 in any of its phases.

19 SEC. 4. Section 6702.6 is added to the Business and Professions
20 Code, to read:

21 6702.6. “Nuclear engineer” means a professional engineer in
22 the branch of nuclear engineering and refers to one who practices
23 or offers to practice nuclear engineering in any of its phases.

24 SEC. 5. Section 6702.7 is added to the Business and Professions
25 Code, to read:

26 6702.7. “Petroleum engineer” means a professional engineer
27 in the branch of petroleum engineering and refers to one who
28 practices or offers to practice petroleum engineering in any of its
29 phases.

SEC. 6. Section 6702.8 is added to the Business and Professions Code, to read:

6702.8. “Traffic engineer” means a professional engineer in the branch of traffic engineering and refers to one who practices or offers to practice traffic engineering in any of its phases.

SEC. 7. Section 6702.9 is added to the Business and Professions Code, to read:

6702.9. “Agricultural engineer” means a professional engineer in the branch of agricultural engineering and refers to one who practices or offers to practice agricultural engineering in any of its phases.

SEC. 8. Section 6702.10 is added to the Business and Professions Code, to read:

6702.10. “Industrial engineer” means a professional engineer in the branch of industrial engineering and refers to one who practices or offers to practice industrial engineering in any of its phases.

SEC. 9. Section 6702.11 is added to the Business and Professions Code, to read:

6702.11. “Metallurgical engineer” means a professional engineer in the branch of metallurgical engineering and refers to one who practices or offers to practice metallurgical engineering in any of its phases.

SEC. 10. Section 6704 of the Business and Professions Code is amended to read:

6704. (a) In order to safeguard life, health, property, and public welfare, no person shall practice *agricultural, chemical, civil, control system, electrical, ~~or~~ fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic* engineering unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles “consulting engineer,” “professional engineer,” “*licensed engineer*,” or “registered engineer,” or any combination of those titles or abbreviations thereof, and according to licensure with the board the engineering branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or the title “engineer-in-training.”

(b) The provisions of this section shall not prevent the use of the title “consulting engineer” by a person who has qualified for

1 and maintained exemption for using that title under the provisions
2 of Section 6732.1, or by a person licensed as a photogrammetric
3 surveyor.

4 SEC. 11. Section 6704.1 of the Business and Professions Code
5 is repealed.

6 ~~6704.1. (a) The Department of Consumer Affairs, in~~
7 ~~conjunction with the board, and the Joint Committee on Boards,~~
8 ~~Commissions, and Consumer Protection shall review the~~
9 ~~engineering branch titles specified in Section 6732 to determine~~
10 ~~whether certain title acts should be eliminated from this chapter,~~
11 ~~retained, or converted to practice acts similar to civil, electrical,~~
12 ~~and mechanical engineering, and whether supplemental engineering~~
13 ~~work should be permitted for all branches of engineering. The~~
14 ~~department shall contract with an independent consulting firm to~~
15 ~~perform this comprehensive analysis of title act registration.~~

16 ~~(b) The independent consultant shall perform, but not be limited~~
17 ~~to, the following: (1) meet with representatives of each of the~~
18 ~~engineering branches and other professional groups; (2) examine~~
19 ~~the type of services and work provided by engineers in all branches~~
20 ~~of engineering and interrelated professions within the marketplace,~~
21 ~~to determine the interrelationship that exists between the various~~
22 ~~branches of engineers and other interrelated professions; (3) review~~
23 ~~and analyze educational requirements of engineers; (4) identify~~
24 ~~the degree to which supplemental or “overlapping” work between~~
25 ~~engineering branches and interrelated professions occurs; (5)~~
26 ~~review alternative methods of regulation of engineers in other~~
27 ~~states and what impact the regulations would have if adopted in~~
28 ~~California; (6) identify the manner in which local and state agencies~~
29 ~~utilize regulations and statutes to regulate engineering work; and~~
30 ~~(7) recommend changes to existing laws regulating engineers after~~
31 ~~considering how these changes may affect the health, safety, and~~
32 ~~welfare of the public.~~

33 ~~(c) The board shall reimburse the department for costs associated~~
34 ~~with this comprehensive analysis. The department shall report its~~
35 ~~findings and recommendations to the Legislature by September 1,~~
36 ~~2002.~~

37 SEC. 12. Section 6706.3 of the Business and Professions Code
38 is amended to read:

39 6706.3. Any reference in any law or regulation to a registered
40 engineer, or to a registered *agricultural, chemical, civil, control*

1 *system, electrical,~~or fire protection, industrial, mechanical,~~
2 *metallurgical, nuclear, petroleum, or traffic* engineer, is deemed
3 to refer to a licensed engineer, or to a licensed *agricultural,*
4 *chemical, civil, control system, electrical,*~~or fire protection,~~
5 *industrial, mechanical, metallurgical, nuclear, petroleum, or traffic*
6 engineer, as the case may be.*

7 SEC. 13. Section 6730 of the Business and Professions Code
8 is amended to read:

9 6730. In order to safeguard life, health, property and public
10 welfare, any person, either in a public or private capacity, except
11 as in this chapter specifically excepted, who practices, or offers to
12 practice, *agricultural engineering, chemical engineering, civil*
13 *engineering, control system engineering, electrical engineering*~~or,~~
14 *fire protection engineering, industrial engineering, mechanical*
15 *engineering, metallurgical engineering, nuclear engineering,*
16 *petroleum engineering, or traffic engineering* in any of its branches
17 in this state, including any person employed by the State of
18 California, or any city, county, or city and county, who practices
19 engineering, shall submit evidence that he or she is qualified to
20 practice, and shall be licensed accordingly as ~~a~~ *an agricultural*
21 *engineer, chemical engineer, civil engineer, control system*
22 *engineer, electrical engineer*~~or, fire protection engineer, industrial~~
23 *engineer, mechanical engineer, metallurgical engineer, nuclear*
24 *engineer, petroleum engineer, or traffic engineer* by the board.

25 SEC. 14. Section 6730.5 is added to the Business and
26 Professions Code, to read:

27 6730.5. (a) The professional practice of engineering in the
28 branches and title authorities described in this chapter may overlap,
29 and some activities are common to two or more branches and title
30 authorities.

31 (b) Nothing in this chapter shall prohibit overlap by an engineer
32 licensed under the provisions of this chapter except in the area of
33 structural engineering as defined in Section 6731.8. The scope of
34 overlap is limited to his or her area of competency defined in
35 Section 6730.6 and is further limited to practicing or offering to
36 practice any engineering in connection with and incidental to his
37 or her branch of licensure.

38 (c) As that engineering work may be in connection with and
39 incidental to the engineering work of the professional engineer on
40 a specific project or activities related to a professional engineer's

1 licensed branch of engineering, it shall not be necessary for the
2 board to define in regulation permissible engineering work that
3 may be in connection with and incidental to the engineering work
4 of the professional engineer, or which specific tasks or activities
5 a professional engineer may or may not perform.

6 (d) No local agency, including a city, county, city and county,
7 special district, or joint powers authority, may impose a
8 requirement that limits or restricts a licensed engineer's ability to
9 practice engineering in or before the local agency in any manner
10 that conflicts with the provisions of this chapter.

11 SEC. 15. Section 6730.6 is added to the Business and
12 Professions Code, to read:

13 6730.6. A professional engineer may practice engineering work
14 only in the field or fields in which he or she is by education or
15 experience competent and proficient.

16 SEC. 16. Section 6730.7 is added to the Business and
17 Professions Code, to read:

18 6730.7. (a) Subject to Section 6730.6, any engineer who holds
19 a valid license may practice without limitation or restriction in the
20 following practice areas: agricultural engineering, chemical
21 engineering, control system engineering, fire protection
22 engineering, industrial engineering, metallurgical engineering,
23 nuclear engineering, petroleum engineering, and traffic engineering.

24 (b) No local agency, including a city, county, city and county,
25 special district, or joint powers authority, may impose a
26 requirement that limits or restricts a licensed engineer's ability to
27 practice engineering in or before the local agency in any manner
28 that conflicts with the provisions of this chapter.

29 SEC. 17. Section 6731.7 is added to the Business and
30 Professions Code, to read:

31 6731.7. The following definitions may not be construed as
32 regulating any profession other than professional engineering:

33 (a) "Agricultural engineering" is that branch of professional
34 engineering that requires such education and experience as is
35 necessary to understand and apply engineering principles to the
36 design, construction, and use of specialized equipment, machines,
37 structures, and materials relating to the agricultural industry, the
38 economy, food safety, and the environment. It requires knowledge
39 of the engineering sciences relating to, and the effect on food safety
40 and the environment from, the following: physical and biological

1 properties of, and processing of, foods and fibers; atmospheric
2 phenomena as they are related to agricultural operations; drainage
3 and farm water discharge; soil dynamics as related to traction,
4 tillage, and plant-soil-water relationships; human factors relative
5 to safe design and use of agricultural machines; and the safe and
6 proper application and use of agricultural chemicals.

7 A person practices agricultural engineering when he or she
8 professes to be an agricultural engineer or is in responsible charge
9 of agricultural engineering work.

10 (b) "Chemical engineering" is that branch of professional
11 engineering that embraces studies or activities relating to the
12 development and application of processes in which chemical or
13 physical changes of materials are involved. These processes are
14 usually resolved into a coordinated series of unit physical
15 operations and unit chemical processes. It is concerned with the
16 research, design, production, operational, organizational, and
17 economic aspects of the above.

18 A person practices chemical engineering when he or she
19 professes to be a chemical engineer or is in responsible charge of
20 chemical engineering work.

21 (c) "Control system engineering" is that branch of professional
22 engineering that requires such education and experience as is
23 necessary to understand the science of instrumentation and
24 automatic control of dynamic processes, and requires the ability
25 to apply this knowledge to the planning, development, operation,
26 and evaluation of systems of control so as to ensure the safety and
27 practical operability of those processes.

28 A person practices control system engineering when he or she
29 professes to be a control system engineer or is in responsible charge
30 of control system engineering work.

31 (d) "Fire protection engineering" is that branch of professional
32 engineering that requires such education and experience as is
33 necessary to understand the engineering principles relating to the
34 safeguarding of life and property from fire, fire-related hazards
35 and explosions. It requires the ability to apply this knowledge to
36 the identification, evaluation, correction, or prevention of present
37 or potential fire, fire-related explosion hazards, and any resultant
38 panic therefrom, in buildings, groups of buildings, or communities.
39 It includes the arrangement and use of appropriate safeguards, and
40 executing the engineering design for fire-resistant building

1 materials and fire detection and alarm, smoke control, egress and
2 fire-suppression systems, fire-suppression water supply, and other
3 devices and apparatus in order to protect life and property.

4 A person practices fire protection engineering when he or she
5 professes to be a fire protection engineer or is in responsible charge
6 of fire protection engineering work.

7 (e) “Industrial engineering” is that branch of professional
8 engineering that requires such education and experience as is
9 necessary to investigate, design, and evaluate systems of persons,
10 materials, and facilities for the purpose of economical and efficient
11 production, use, and distribution. It requires the application of
12 specialized engineering knowledge of the mathematical and
13 physical sciences, together with the principles and methods of
14 engineering analysis and design to specify, predict, and evaluate
15 the results to be obtained from those systems.

16 A person practices industrial engineering when he or she
17 professes to be an industrial engineer or is in responsible charge
18 of industrial engineering work.

19 (f) “Metallurgical engineering” is that branch of professional
20 engineering that requires such education and experience as is
21 necessary to seek, understand, and apply the principles of the
22 properties and behavior of metals in solving engineering problems
23 dealing with the research, development, and application of metals
24 and alloys, and the manufacturing practices of extracting, refining,
25 and processing of metals.

26 A person practices metallurgical engineering when he or she
27 professes to be a metallurgical engineer or is in responsible charge
28 of metallurgical engineering work.

29 (g) “Nuclear engineering” is that branch of professional
30 engineering that requires such education and experience as is
31 necessary to apply the principles of nuclear physics to the
32 engineering utilization of nuclear phenomena for the benefit of
33 mankind, and that is also concerned with the protection of the
34 public from the potential hazards of radiation and radioactive
35 materials. Nuclear engineering is primarily concerned with the
36 interaction of radiation and nuclear particles with matter. Nuclear
37 engineering requires the application of specialized knowledge of
38 the mathematical and physical sciences, together with the principles
39 and methods of engineering design and nuclear analysis to specify,
40 predict, and evaluate the behavior of systems involving nuclear

1 reactions, and to ensure the safe, efficient operation of these
2 systems, and their nuclear products and byproducts. Nuclear
3 engineering encompasses, but is not limited to, the planning and
4 design of the specialized equipment and process systems of nuclear
5 reactor facilities, and the protection of the public from any
6 hazardous radiation produced in the entire nuclear reaction process.
7 These activities include all aspects of the manufacture,
8 transportation, and use of radioactive materials.

9 A person practices nuclear engineering when he or she professes
10 to be a nuclear engineer or is in responsible charge of nuclear
11 engineering work.

12 (h) "Petroleum engineering" is that branch of professional
13 engineering that embraces studies or activities relating to the
14 exploration, exploitation, location, and recovery of natural fluid
15 hydrocarbons. It is concerned with research, design, production,
16 and operation of devices and the economic aspects of the above.

17 A person practices petroleum engineering when he or she
18 professes to be a petroleum engineer or is in responsible charge
19 of petroleum engineering work.

20 (i) "Traffic engineering" is that branch of professional
21 engineering that requires such education and experience as is
22 necessary to understand the science of measuring traffic and travel
23 and the human factors relating to traffic generation and flow, and
24 requires the ability to apply this knowledge to planning, operation,
25 design, and evaluation of streets and highways and their networks,
26 abutting lands, and interrelationships with other modes of travel,
27 and to provide safe and efficient movement of people and goods.

28 A person practices traffic engineering when he or she professes
29 to be a traffic engineer or is in responsible charge of traffic
30 engineering work.

31 (j) As it applies to the engineering branch disciplines in this
32 section, all engineering plans, specifications, calculations, and
33 reports (hereafter documents) prepared by, or under the responsible
34 charge of, a licensed engineer in the appropriate engineering branch
35 shall include his or her name and license number. Interim
36 documents shall include a notation as to the intended purpose of
37 the document, such as "preliminary," "not for construction," "for
38 plan check only," or "for review only." All engineering plans and
39 specifications that are permitted or that are to be released for
40 construction shall bear the signature and seal or stamp of the

1 licensee, the date of signing and sealing or stamping, and the
2 expiration date of the license. All final engineering calculations
3 and reports shall bear the signature and seal or stamp of the
4 licensee, the date of signing and sealing or stamping, and the
5 expiration date of the license. If engineering plans are required to
6 be signed and sealed or stamped and have multiple sheets, the
7 signature, seal or stamp, date of signing and sealing or stamping,
8 and expiration date of the license shall appear on each sheet of the
9 plans. If engineering specifications, calculations, and reports are
10 required to be signed and sealed or stamped and have multiple
11 pages, the signature, seal or stamp, date of signing and sealing or
12 stamping, and expiration date of the license shall appear at a
13 minimum on the title sheet, cover sheet, or signature sheet.

14 (k) Notwithstanding subdivision (j), a licensed engineer who
15 signs engineering documents shall not be responsible for damage
16 caused by subsequent changes to or uses of those documents, if
17 the subsequent changes or uses, including changes or uses made
18 by state or local governmental agencies, are not authorized or
19 approved by the licensed engineer who originally signed the
20 documents, provided that the engineering service rendered by the
21 licensed engineer who signed the documents was not also a
22 proximate cause of the damage.

23 SEC. 18. Section 6731.8 is added to the Business and
24 Professions Code, to read:

25 6731.8. Structural engineering is that part of civil engineering
26 that involves the application of specialized civil engineering
27 knowledge and experience to the design and analysis of buildings
28 or other structures that are constructed or rehabilitated to resist
29 forces induced by vertical and horizontal loads of a static and
30 dynamic nature. This specialized knowledge includes familiarity
31 with scientific and mathematical principles, experimental research
32 data, and practical construction methods and processes. The design
33 and analysis shall include consideration of stability, deflection,
34 stiffness, and other structural phenomena that affect the behavior
35 of the building or other structure.

36 SEC. 19. Section 6737.2 of the Business and Professions Code
37 is repealed.

38 ~~6737.2. Nothing in this chapter shall prohibit a civil engineer,~~
39 ~~registered under the provisions of this chapter, from practicing or~~
40 ~~offering to practice any engineering in connection with or~~

1 supplementary to civil engineering studies or activities as defined
2 in Section 6731.

3 SEC. 20. Section 6737.3 of the Business and Professions Code
4 is amended to read:

5 6737.3. (a) A contractor licensed under Chapter 9
6 (commencing with Section 7000) of Division 3 is exempt from
7 the provisions of this chapter relating to the practice of *control*
8 *system*, electrical, *fire protection*, or mechanical engineering so
9 long as the services he or she holds himself or herself out as able
10 to perform or does perform, which services are subject to the
11 provisions of this chapter, are performed by, or under the
12 responsible charge of a registered *control system*, electrical, *fire*
13 *protection*, or mechanical engineer insofar as the *control system*,
14 electrical, *fire protection*, or mechanical engineer practices the
15 branch of engineering for which he or she is registered *licensed*.

16 This

17 (b) This section shall not prohibit a licensed contractor, while
18 engaged in the business of contracting for the installation of *control*
19 *system*, electrical, *fire protection*, or mechanical systems or
20 facilities, from designing those systems or facilities in accordance
21 with applicable construction codes and standards for work to be
22 performed and supervised by that contractor within the
23 classification for which his or her license is issued, or from
24 preparing *control system*, electrical, *fire protection*, or mechanical
25 shop or field drawings for work which he or she has contracted to
26 perform. Nothing in this section is intended to imply that a licensed
27 contractor may design work ~~which~~ *that* is to be installed by another
28 person.

29 SEC. 21. Section 6738 of the Business and Professions Code
30 is amended to read:

31 6738. ~~(a)~~ As used in this section, “professional engineering
32 services” means agricultural, chemical, civil, *control system*,
33 electrical, *fire protection*, industrial, mechanical, metallurgical,
34 nuclear, petroleum, or traffic engineering services.

35 (a) This chapter does not prohibit one or more agricultural,
36 chemical, civil, *control system*, electrical, ~~or~~ *fire protection*,
37 industrial, mechanical, metallurgical, nuclear, petroleum, or traffic
38 engineers from practicing or offering to practice within the scope
39 of their license agricultural, chemical, civil (including geotechnical
40 and structural), *control system*, electrical, ~~or~~ *fire protection*,

1 *industrial, mechanical, metallurgical, nuclear, petroleum, or traffic*
2 *engineering as a sole proprietorship, partnership, firm, or*
3 *corporation (hereinafter (hereafter called business), if as long as*
4 *all of the following requirements are met:*

5 (1) ~~A~~ *An agricultural, chemical, civil, control system, electrical,*
6 ~~or fire protection, industrial, mechanical, metallurgical, nuclear,
7 *petroleum, or traffic engineer currently licensed in this state is an*
8 *owner, part owner, partner, or officer in charge of the engineering*
9 *practice of the business.*~~

10 (2) ~~All civil, electrical, or mechanical professional engineering~~
11 *services are performed by, or under the responsible charge of, a*
12 ~~professional licensed engineer licensed in the appropriate branch~~
13 *of professional engineering.*

14 (3) ~~If the~~ *The business name of a California engineering business*
15 ~~contains shall only contain the name of any person, then that person~~
16 ~~shall be who is licensed as a by the board in a branch of~~
17 ~~professional engineer engineering, a licensed land surveyor, a~~
18 ~~licensed architect, or a geologist registered under the Geologist~~
19 ~~and Geophysicist Act (Chapter 12.5 (commencing with Section~~
20 ~~7800)). Any offer, promotion, or advertisement by the business~~
21 ~~that contains the name of any individual in the business, other than~~
22 ~~by use of the name of an individual in the business name, shall~~
23 ~~clearly and specifically designate the license or registration~~
24 ~~discipline of each individual named.~~

25 (b) *An out-of-state business with a branch office in this state*
26 *shall meet the requirements of subdivision (a) and shall have an*
27 ~~owner, partner, a part owner~~ *or officer who is in charge of the*
28 *engineering work in the branch in this state, who is licensed in this*
29 *state, and who is physically present at the branch office in this*
30 *state on a regular basis. However, the name of the business may*
31 *contain the name of any person not licensed in this state if that*
32 *person is appropriately registered or licensed in another state. Any*
33 *offer, promotion, or advertisement which contains the name of*
34 *any individual in the business, other than by use of the names of*
35 *the individuals in the business name, shall clearly and specifically*
36 *designate the license or registration discipline of each individual*
37 *named.*

38 (c) ~~The business A fictitious name of a California engineering~~
39 ~~business may be a fictitious name. However, used for an~~
40 *engineering business if (1) the fictitious name includes the name*

1 of any person, the requirements of *does not conflict with* paragraph
 2 (3) of subdivision (a) *requiring that names used in the business*
 3 *name shall be met appropriately licensed or registered individuals*
 4 *and (2) an organization record form is filed with the board.*

5 (d) A person not licensed under this chapter may also be a
 6 ~~partner~~ *part owner* or an officer of ~~a~~ *an agricultural, chemical,*
 7 *civil, control system, electrical, ~~or~~ fire protection, industrial,*
 8 *mechanical, metallurgical, nuclear, petroleum, or traffic*
 9 *engineering business if the requirements of subdivision (a) are*
 10 *met. Nothing in this section shall be construed to permit a person*
 11 *who is not licensed under this chapter to be the sole owner of a* ~~an~~
 12 *agricultural, chemical, civil, control system, electrical, ~~or~~ fire*
 13 *protection, industrial, mechanical, metallurgical, nuclear,*
 14 *petroleum, or traffic engineering business, unless otherwise exempt*
 15 *under this chapter.*

16 (e) This chapter does not prevent an individual or business
 17 engaged in any line of endeavor other than the practice of
 18 *agricultural, chemical, civil, control system, electrical, ~~or~~ fire*
 19 *protection, industrial, mechanical, metallurgical, nuclear,*
 20 *petroleum, or traffic engineering from employing or contracting*
 21 *with a licensed agricultural, chemical, civil, control system,*
 22 *electrical, ~~or~~ fire protection, industrial, mechanical, metallurgical,*
 23 *nuclear, petroleum, or traffic engineer to perform the respective*
 24 *engineering services incidental to the conduct of business.*

25 (f) This section shall not prevent the use of the name of any
 26 business engaged in rendering ~~civil, electrical, or mechanical~~
 27 *professional engineering services, including the use by any lawful*
 28 *successor or survivor, that lawfully was in existence on December*
 29 *31, 1987. However, the business is subject to paragraphs (1) and*
 30 *(2) of subdivision (a) and the business shall file an organization*
 31 *record form with the board as designated by board rule.*

32 (g) A business engaged in rendering ~~civil, electrical, or~~
 33 ~~mechanical~~ *professional engineering services may use in its name*
 34 *the name of a deceased or retired person provided all of the*
 35 *following conditions are satisfied:*

36 (1) The person's name had been used in the name of the
 37 business, or a predecessor in interest of the business, prior to and
 38 after the death or retirement of the person.

(2) The person shall have been an owner, ~~partner~~ *part owner*, or officer of the business, or an owner, ~~partner~~ *part owner*, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board if no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect the provisions of Sections 6731.2 and 8726.1.

~~(i) A current organization record form shall be filed with the board for all~~ *All businesses engaged in rendering civil, electrical, or mechanical professional engineering services shall file a current organization record form with the board.*

SEC. 22. Section 6740 of the Business and Professions Code is amended to read:

6740. A subordinate to ~~a~~ *an agricultural, chemical, civil, control system, electrical* ~~or, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic~~ engineer licensed under this chapter, or a subordinate to ~~a~~ *an agricultural, chemical, civil, control system, electrical* ~~or, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic~~ engineer exempted from licensure under this chapter, insofar as he or she acts solely in that capacity, is exempt from licensure under the provisions of this chapter. This exemption, however, does not permit ~~any such~~ *the* subordinate to practice *agricultural, chemical, civil, control system, electrical* ~~or, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic~~

1 engineering in his or her own right or to use the titles listed in
2 Sections 6732, 6736, and 6736.1.

3 SEC. 23. Section 6741 of the Business and Professions Code
4 is amended to read:

5 6741. Any person, firm, partnership, or corporation is exempt
6 from ~~registration~~ licensure under the provisions of this chapter
7 who meets all the following:

8 (a) Is a nonresident of the State of California.

9 (b) Is legally qualified in another state to practice as ~~a~~ *an*
10 *agricultural, chemical, civil, control system, electrical, or fire*
11 *protection, industrial, mechanical, metallurgical, nuclear,*
12 *petroleum, or traffic* engineer.

13 (c) Does not maintain a regular place of business in this state.

14 (d) Offers to but does not practice *agricultural, chemical, civil,*
15 *control system, electrical, or fire protection, industrial, mechanical,*
16 *metallurgical, nuclear, petroleum, or traffic* engineering in this
17 state.

18 SEC. 24. Section 6787 of the Business and Professions Code
19 is amended to read:

20 6787. Every person is guilty of a misdemeanor:

21 (a) Who, unless he or she is exempt from licensure under this
22 chapter, practices or offers to practice *agricultural, chemical, civil,*
23 *control system, electrical, or fire protection, industrial, mechanical,*
24 *metallurgical, nuclear, petroleum, or traffic* engineering in this
25 state according to the provisions of this chapter without legal
26 authorization.

27 (b) Who presents or attempts to file as his or her own the
28 certificate of licensure of a licensed professional engineer unless
29 he or she is the person named on the certificate of licensure.

30 (c) Who gives false evidence of any kind to the board, or to any
31 member thereof, in obtaining a certificate of licensure.

32 (d) Who impersonates or uses the seal of a licensed professional
33 engineer.

34 (e) Who uses an expired, suspended, surrendered, or revoked
35 certificate issued by the board.

36 (f) Who represents himself or herself as, or uses the title of, a
37 licensed or registered *agricultural, chemical, civil, control system,*
38 *electrical, or fire protection, industrial, mechanical, metallurgical,*
39 *nuclear, petroleum, or traffic* engineer, or any other title whereby
40 that person could be considered as practicing or offering to practice

1 *agricultural, chemical, civil, control system, electrical, ~~or fire~~*
2 *protection, industrial, mechanical, metallurgical, nuclear,*
3 *petroleum, or traffic* engineering in any of its branches, unless he
4 or she is correspondingly qualified by licensure as ~~a~~ *an*
5 *agricultural, chemical, civil, control system, electrical, ~~or fire~~*
6 *protection, industrial, mechanical, metallurgical, nuclear,*
7 *petroleum, or traffic* engineer under this chapter.

8 (g) Who, unless appropriately licensed, manages, or conducts
9 as manager, proprietor, or agent, any place of business from which
10 *agricultural, chemical, civil, control system, electrical, ~~or fire~~*
11 *protection, industrial, mechanical, metallurgical, nuclear,*
12 *petroleum, or traffic* engineering work is solicited, performed, or
13 practiced, except as authorized pursuant to subdivision (d) of
14 Section 6738 and Section 8726.1.

15 (h) Who uses the title, or any combination of that title, of
16 “professional engineer,” “licensed engineer,” “registered engineer,”
17 or the branch titles specified in Section 6732, or the authority titles
18 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
19 or who makes use of any abbreviation of that title that might lead
20 to the belief that he or she is a licensed engineer, is authorized to
21 use the titles specified in Section 6736 or 6736.1, or holds a
22 certificate as an engineer-in-training, without being licensed,
23 authorized, or certified as required by this chapter.

24 (i) Who uses the title “consulting engineer” without being
25 licensed as required by this chapter or without being authorized
26 to use that title pursuant to legislation enacted at the 1963, 1965,
27 or 1968 Regular Session.

28 (j) Who violates any provision of this chapter.

29 SEC. 25. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.